

Civil Action No.
1:18-cv-00154 LG-RHW

1. I am over the age of eighteen (18) and otherwise competent to testify. I make the following statements based on personal knowledge.
2. I am the owner of Blaine Harrington Photography with its principal place of business in Littleton, Colorado. I specialize in worldwide travel and location photography for major magazines, book publishers, and advertising agencies.
3. I am a photographer with over forty (40) years experience in the business of commercial photography. I have worked in New York City, Paris, Amsterdam, and Zurich, among other cities throughout the world. I was trained in advertising and illustration photography at Brooks Institute of Photography in Santa Barbara, California (the premier American college for professional photography training) and graduated number one in my 1976 class. I practice my profession throughout the world at great expense, including the photograph at issue in this case (“Copyrighted Photograph”), which was captured in Bermuda.

4. My photographs, including Copyrighted Photograph, are sought after by advertising, editorial, and other commercial entities worldwide and have been published by most major and international media including National Geographic, Time Inc., the New York Times, Business Week, Fortune, and others. Based on my experience and willingness to travel the world to capture photographs, as well the quality of my work, I command high license fees. Exhibit 1 includes a sample of recent licenses.
5. I captured Copyrighted Photograph November 9, 2002 at the Gold Canyon Golf Resort in Gold Canyon, Arizona. The shoot required approximately one half-day of shooting plus advance research and preparation, as well as post production (processing, editing, captioning, etc.)
6. On April 14, 2011, I published the Copyrighted Photograph to my commercial websites, www.blaineharrington.com, and www.blaineharrington.photoshelter.com.
7. On April 26, 2011 I registered the Works with the Register of Copyrights and was assigned the registration number VA 1-775-610.
8. Beginning on or about April 21, 2014, Defendants copied and posted Copyrighted Photograph to multiple URLs on the commercial website, www.arizonagolfschools.com, which is owned and operated by Defendants.
9. I am entitled to statutory damages based on my timely registration of Copyrighted Photograph.

I swear of affirm the foregoing is true and correct under penalties of perjury.

DATED: January 24, 2019

Blaine Harrington
Blaine Harrington

EXHIBIT 1**Blaine Harrington**

PHOTOGRAPHER

*Worldwide assignment and stock location photography*Phone: 303/932-9062
Twitter: @BlaineHarrE-mail: blaine@blaineharrington.com
Website: www.blaineharrington.com7533 South Overlook Way
Littleton, Colorado 80128-2544 USA

Tax ID: 523-78-2494

STOCK PHOTOGRAPHY INVOICE**August 25, 2016**

Invoice No: 1935

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]**P.O. # 16-03020 Job # RC11-GEN-16-05136****The following usage license will be granted upon payment in full of this invoice:**

Blaine Harrington, (Licensor) grants to [REDACTED] (Licensee) rights to use and Reproduce the items identified in the invoice, solely to the extent explicitly stated in usages listed below for [REDACTED]. This right may be exercised by subcontractors of Licensee (including Purchaser) for preparation of the Licensee's Work, provided that such subcontractors agree to abide by the terms of this Agreement. Photo credit must read: ©Blaine Harrington. All Rights Reserved.

Usage Fees

1	STL-05-11-06 Getty #529788316 Hiker, Gros Piton, St. Lucia	10,000.00	10,000.00
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License Duration: 1 Year
License Start Date: 8/25/2016
License End Date: 8/25/2017
Territory: Worldwide
Industry: Travel
Exclusivity: Industry Exclusive

Any use by [REDACTED] within the categories of print, display ads, TV ads and packaging + online and direct marketing + internal use. Examples include magazine advertising, indoor and outdoor display ads, TV or cinema ads, product packaging, web sites, web ads, brochures and other marketing materials, internal printed materials, online materials and presentations for employees only. No limits on size of image in project, circulation or placements. Worldwide rights for 1 year. Includes industry exclusivity for \$5000. Includes use by 29,000 travel agents.
TERMS: NET 30

Usage Fees	10,000.00
Subtotal	10,000.00
Tax	0.00
Grand Total	USD \$10,000.00

NO ELECTRONIC RIGHTS are granted in any form without an express license in writing. These photographs may not be used on the Internet for any purpose including revisions or electronic editions of

Subject to Terms and Conditions on Reverse Side

Page 1 of 2

Blaine Harrington

PHOTOGRAPHER



World-wide assignment and stock location photography

Phone: 303/932-9062
Twitter: @blaineharr

E-mail: blaine@blaineharrington.com
Website: www.blaineharrington.com

7533 South Overlook Way
Littleton, Colorado 80120-2544 USA

Tax ID: 523-78-2494

STOCK PHOTOGRAPHY INVOICE

December 7, 2006








Invoice No: 1415

Jennifer Wilson
Marketing Manager
Charleston Area Convention & Visitors Bureau
423 King Street
Charleston SC 29403 USA
800-868-8118 x 3005

Photo usage for 2007 Official Charleston Area Visitors Guide

This License expired on 12/7/2007 or as described below.

Usage Fees

	1 20061112_charleston_891 St. Michael's Episcopal • Duration: 1 Year • Maximum Image Size: Front Cover	2,500.00	2,500.00
	Church, one year exclusive, cover photo • Duration: 1 Year		0.00
	1 20061112_charleston_816 Twilight view of East Bay • Duration: 1 Year • Maximum Image Size: 1/2 Page or less	600.00	600.00
	Street, 1/2 page use inside Visitors Guide • Duration: 1 Year		0.00
	INVOICE IS PAYABLE WITHIN 14 DAYS • Duration: 1 Year		0.00
	PLEASE PROVIDE COPIES OF VISITORS • Duration: 1 Year		0.00
	GUIDE ON PUBLICATION. THANK YOU. • Duration: 1 Year		0.00

Paid in Full

Usage Fees	3,100.00
Subtotal	3,100.00
Tax	0.00
Grand Total	3,100.00
Less Payments	-3,100.00
Balance Due	USD \$0.00

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Page 1 of 2

Blaine Harrington

PHOTOGRAPHER

World-wide assignment and stock location photography

Phone: 303/932-9062
Twitter: @blaineharr

E-mail: blaine@blaineharrington.com
Website: www.blaineharrington.com

7533 South Overlook Way
Littleton, Colorado 80126-2544 USA



Tax ID: 523-78-2494

STOCK PHOTOGRAPHY INVOICE

February 28, 2007

Invoice No: 1437

Erika K. Santucci
Production Administrator
Nikon Inc.
1300 Walt Whitman Road
Melville NY 11747 USA
631/547-4379

Usage of two images for trade shows for one year

This License expired on 2/28/2008 or as described below.

Usage Fees

	1 20060108_burma_3152 Silhouette, Inle Lake, Burma • Duration: 1 Year • Maximum Image Size: display print	1,500.00	1,500.00
	1 20060219_trinidad_0175 Girl at Trinidad Carnival • Duration: 1 Year • Maximum Image Size: display print	1,500.00	1,500.00

Paid in Full

Usage Fees	3,000.00
Subtotal	3,000.00
Tax	0.00
Grand Total	3,000.00
Less Payments	-3,000.00
Balance Due	USD \$0.00

The following usage license will be granted upon payment in full of this invoice:

one year non-exclusive usage by Nikon Inc. to use the photographs described on this document, for display prints for trade shows For use in the United States of America only. Languages: English Only. NO ELECTRONIC RIGHTS are granted in any form without an express license in writing. These photographs may not be used on the Internet for any purpose including revisions or electronic editions of printed work without said written license. NO PRINTED OR ELECTRONIC REVISIONS are granted with this license. Any additional usage, including said revisions must be negotiated with the copyright owner.

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Terms and Conditions:

Terms: Payment is due upon receipt of this invoice.

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Page 1 of 1